

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

John David Lipscomb,

Plaintiff,

vs.

Toyota Motor Corporation,

Defendant.

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Civil Action No. 6:14-cv-00050-WSS

**PLAINTIFF’S OBJECTIONS TO THE NOTICE OF DEPOSITION OF
CHANDRA K. THORBOLE, PH.D.**

To the Honorable United States Judge of Said Court:

COMES NOW, Plaintiff, John Lipscomb, by and through undersigned counsel, and files this objection to the Notice of Deposition of Chandra K. Thorbole, Ph.D.; Plaintiff respectfully shows the Court:

Defendant has issued a notice for the deposition of Chandra K. Thorbole, Ph.D. Certain documents and information requested in Exhibit A of the Notice are not discoverable pursuant to the provisions set forth in the Federal Rules of Civil Procedure, such as Rule 26.

As part of the notice, Defendant included the following language: “The witness is hereby requested to bring a copy of those items listed in Exhibit ‘A’, attached hereto.”

Plaintiff has no objection to Dr. Thorbole providing any and all records in his possession that he relied upon to reach his opinions and conclusions in this matter. Indeed, Plaintiff already has or will produce a complete copy of Dr. Thorbole's file and any documents which are responsive to the requirements of Federal Rule of Civil Procedure 26(a)(2)(A), which is entitled, "Disclosure of Expert Testimony."

However, with respect to "Exhibit A", it includes matters that far exceed the scope of allowable expert disclosure under Rule 26, and the other Federal Rules of Civil Procedure. Again, Plaintiff objects to and hereby declines to produce any documents which are not otherwise discoverable under Rule 26 or are protected from discovery under any other Federal Rule of Civil Procedure.

Respectfully submitted,

The TRACY firm

/s/ Stewart D. Matthews

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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of September, 2014, I caused to be electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Western District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Stewart D. Matthews

E. Todd Tracy

Stewart D. Matthews

Andrew G. Counts